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TO ALL MONTANA WATER USERS

NOTICE OF OPPORTUNITY TO FILE A LATE CLAIM

In 1979 the Forty-Sixth Montana Legislature passed Senate Bill 76, a law requiring the adjudication of existing water rights in Montana. To accomplish this, the law required a person claiming an existing right to the use of water to file a claim with the Department of Natural Resources and Conservation (DNRC) no later than April 30, 1982. In 1992 the Montana Supreme Court determined that the failure to file a statement of claim on or before April 30, 1982, resulted in the forfeiture of the water right. In 1993 the Fifty-Third Montana Legislature passed Senate Bill 310 providing for, under certain terms and conditions, the remission of the forfeiture of existing rights to the use of water caused by the failure of persons to file statements of claim on or before April 30, 1982.

Accordingly, a claim of existing right not filed with the Department of Natural Resources and Conservation on or before April 30, 1982 (a late claim), may be filed by physically filing the claim with the department on or before July 1, 1996, or sending the claim by United States mail, postmarked on or before July 1, 1996. A late claim must be submitted on a form provided by the Department of Natural Resources and Conservation. Forms and instruction booklets for filing a late claim are available at the offices listed below. [NOTE: The Legislature has prohibited late claims from being filed in a few designated basins that have been closed to further appropriation pursuant to a reserved water rights compact ratified by the legislature. The DNRC may be contacted for further information concerning these restricted basins.]

Under Montana law [§ 85-2-226], the failure to file or mail a claim by July 1, 1996 results in the forfeiture for all time of any existing right to the use of water that is not claimed in accordance with the provisions of § 85-2-221.

The Department of Natural Resources and Conservation and the district courts of the State of Montana may not accept any claims physically submitted or postmarked after July 1, 1996.

Filing Fee. A filing fee of $40 is required for each water right claim, with these exceptions:

1) The total filing fee shall not exceed $480 per landowner per water division.
2) No filing fee is required for claims to water rights contained in a decree.
3) Exempt water uses from a single development, claimed voluntarily, can be filed for a single $40 fee. These claims must be filed at the same time.

Processing Fee. A processing fee of $150 per late claim is required in addition to the filing fee. This fee does not apply to exempt claims filed after April 30, 1982 pursuant to § 85-2-222.

Court-Imposed Costs. A water judge will assess all reasonable administrative costs and expenses incurred by the court due to the filing of a late claim and the consideration of an objection to a late claim.

STATE DOCUMENTS COLLECTION

DNRC WATER RESOURCES REGIONAL OFFICES

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

BILLINGS

1537 Avenue D, Suite 121
Billings, MT 59102
Phone: 657-2105

Counties: Big Horn, Carbon, Stillwater, Sweet Grass, Treasure, Yellowstone

BOZEMAN

201 South Wallace Avenue
Bozeman, MT 59715
Phone: 586-3136 or 586-3137

Counties: Gallatin, Madison, Park

GLASGOW

839 First Avenue South
P.O. Box 1269
Glasgow, MT 59230
Phone: 228-2561

Counties: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley

HAVRE

1708 West Second Street
P.O. Box 1828
Havre, MT 59501
Phone: 265-5516 or 265-2225

Counties: Blaine, Choteau, Glacier, Hill, Liberty, Pondera, Teton, Toole

HELENA

1520 East Sixth Avenue
P.O. Box 202301
Helena, MT 59620-2301
Phone: 444-6695

Counties: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis & Clark, Powell, Silver Bow

KALISPELL

3220 Highway 93 South
P.O. Box 860
Kalispell, MT 59903-0860
Phone: 752-2288

Counties: Flathead, Lake, Lincoln, Sanders

LEWISTOWN

311 West Janeaux
P.O. Box 438
Lewistown, MT 59457
Phone: 538-7459 or 538-7012

Counties: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, Wheatland

MILES CITY

5 North Prairie Avenue
P.O. Box 276
Miles City, MT 59301
Phone: 232-6359

Counties: Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Wibaux

MISSOULA

1610 South 3rd Street West, Suite 103
P.O. Box 5004
Missoula, MT 59806
Phone: 721-4284

Counties: Granite, Mineral, Missoula, Ravalli

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